



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/779,601

02/18/2004

Eric Doyle

16441-US

1021

23553

7590

05/14/2008

MARKS & CLERK

P.O. BOX 957

STATION B

OTTAWA, ON K1P 5S7

CANADA

EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/779,601	<b>Applicant(s)</b> DOYLE ET AL.	
	<b>Examiner</b> NICHOLAS AUGUSTINE	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-9, 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- A. This action is in response to the following communications: Request for Continued Examination filed 02/01/2008.
- B. Claims 1, 4, 6-9, 11-14 remain pending.

---

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/01/2008 has been entered.

---

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the

subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,4,6-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boezeman et al. (US 5,758,093), herein referred to as "Boezeman" in view of Moran et al (US 6,332,147 B1), herein referred to as "Moran".

As for independent claim 1, Boezeman teaches a method of synchronizing preparing a multi-media presentation viewable in a web browser, first and second data streams (figure 10), said first data comprising: preparing a video presentation; preparing an animated slide presentation (figure 5, 124); displaying said video presentation as a video stream of frames along a first time line on a display device (figure 7, 116), said video stream being scrollable along said first time line (figure 7; wherein indicated are scroll bars in item 107 "video stream segments"); displaying containers on said display device along a second time line alongside said frames of said data video stream (figure 10; column 4, lines 1-14), said containers being mouse draggable along said second time line relative to said first time line (column 7, lines 20,28,37 and 46), and said containers being scrollable along said second time line (figure 7 and column 6, lines 30-36); said containers containing respective slides of said animated slide presentation

(column 7, lines 20-26); dragging said containers on said display device along said second time line to align said containers with respective selected frames (figure 12, containers are arranged at specific time frames as indicated by time line and time stamps, they are also arranged to overlap with other containers to make a final presentation made up of multiple multimedia data sources) in said video stream, wherein said containers are aligned with respective groups of frame representing video sequences (column 7, lines 60-67; figure 12, containers are specifically aligned at precise time frames and overlap other containers to present a final product having multiple multimedia data sources); and generating synchronization markers for said aligned containers relative to said video stream based on the position of said containers relative to said video stream; and outputting said synchronization markers in a synchronization file for controlling the streaming of said slides and said video presentation in said multi-media presentation (figure 7, column 8, lines 5-38). Boezeman does not specifically teach that the animation segment is being displayed adjacent to the video at the same time while being played simultaneously, Boezeman only mentions that animation plays then video plays after animation is done but only as an example. Moran teaches a graphical user interface that displays and plays video and animations (slide show presentation) simultaneously adjacent to teach other (figure 4, col.18, lines 30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Moran into Boezeman, this is true because Moran teaches a system which utilizes a timeline for editing video, animation, etc for a final presentation

(figure 4 and 11-14; col.21, lines 53-67), thus providing an obvious advantage to the layout which is concurrently monitoring and managing all parallel executed tasks.

As for independent claim 4, Boezeman teaches a method of synchronizing preparing a multi-media presentation viewable in a web browser, first and second data streams (figure 10), said first data comprising: preparing a video presentation; preparing an animated slide presentation (figure 5, 124); displaying said video presentation as a video stream of frames along a first time line on a display device (figure 7, 116), said video stream being scrollable along said first time line (figure 7; wherein indicated are scroll bars in item 107 "video stream segments"); displaying containers on said display device along a second time line alongside said frames of said data video stream (figure 10; column 4, lines 1-14), said containers being mouse draggable along said second time line relative to said first time line (column 7, lines 20,28,37 and 46), and said containers being scrollable along said second time line (figure 7 and column 6, lines 30-36); said containers containing respective slides of said animated slide presentation (column 7, lines 20-26); dragging said containers on said display device along said second time line to align said containers with respective selected frames (figure 12, containers are arranged at specific time frames as indicated by time line and time stamps, they are also arranged to overlap with other containers to make a final presentation made up of multiple multimedia data sources) in said video stream, wherein said containers are aligned with respective groups of frame representing video sequences (column 7, lines 60-67; figure 12, containers are specifically aligned at

precise time frames and overlap other containers to present a final product have multiple multimedia data sources); and generating synchronization markers for said aligned containers relative to said video stream based on the position of said containers relative to said video stream; and outputting said synchronization markers in a synchronization file for controlling the streaming of said slides and said video presentation in said multi-media presentation (figure 7, column 8, lines 5-38). Boezeman does not specifically teach that the animation segment is being displayed adjacent to the video at the same time while being played simultaneously, Boezeman only mentions that animation plays then video plays after animation is done but only as an example. Moran teaches a graphical user interface that displays and plays video and animations (slide show presentation) simultaneously adjacent to teach other (figure 4, col.18, lines 30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Moran into Boezeman, this is true because Moran teaches a system which utilizes a timeline for editing video, animation, etc for a final presentation (figure 4 and 11-14; col.21, lines 53-67) which is a similar system of Boezeman, thus one would not have been hard press to see the obvious variant Moran presents which is a different layout choice for similar systems. Boezeman further said slides include animation events that are displayed as atoms within said containers, said atoms being mouse draggable within said containers, and-said atoms are aligned with selected frames associated with their respective containers to generate synchronization markers for said animation events within said containers, and said synchronization markers for said animation events are included in said synchronization file (column 7, lines 9-25,

Art Unit: 2179

figure 15; wherein depicted in figure 2, items 88,90,92, etc.. are atoms that are placed on the containers that effect the playback (animation) of the final result). Boezeman does not specifically teach that the animation segment is being displayed adjacent to the video at the same time while being played simultaneously, Boezeman only mentions that animation plays then video plays after animation is done but only as an example. Moran teaches a graphical user interface that displays and plays video and animations (slide show presentation) simultaneously adjacent to teach other (figure 4, col.18, lines 30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Moran into Boezeman, this is true because Moran teaches a system which utilizes a timeline for editing video, animation, etc for a final presentation (figure 4 and 11-14; col.21, lines 53-67), thus providing an obvious advantage to the layout which is concurrently monitoring and managing all parallel executed tasks.

As for dependent claim 6, Boezeman teaches a method as claimed in claim 1, wherein said containers interact with each other such that dragging one container along said second time line pushes other containers in front of it along said second time line (column 7, line 45-55; wherein the user can add a video segment anywhere on the time line, if a video segment is already placed on time line its time will be effected by the new segment added).

As for dependent claim 7, Boezeman teaches a method as claimed in claim 1, wherein said synchronization markers are timings relative to a reference point (figure 7).



As for dependent claim 8, Boezeman teaches a method as claimed in claim 7, wherein said reference point is the start of the first data video stream (figure 7).

As for independent claim 9, Boezeman teaches an apparatus for preparing a multi-media presentation viewable in a web browser comprising: *a display device; a first software component for displaying video frames along a first time line on a display device, said video frames being scrollable along said first time line; a second software component for displaying said containers on a second time line alongside said video frames, said containers being mouse draggable along said second time line relative to said first time line, and said containers being scrollable along said second time line; a pointer responsive to mouse control for interactively displacing dragging said containers on said display device relative to said video frames to align said containers with selected video frames; and a third software component for generating synchronization markers for said aligned containers relative to said video stream based on the position of said containers relative to said video stream and outputting said synchronization markers in a video file* (note the analysis of claim 1 and column8, lines 11-53; figures 7 and 15). Boezeman does not specifically teach that the animation segment is being displayed adjacent to the video at the same time while being played simultaneously, Boezeman only mentions that animation plays then video plays after animation is done but only as an example. Moran teaches a graphical user interface that displays and plays video and animations (slide show presentation) simultaneously adjacent to teach

Art Unit: 2179

other (figure 4, col.18, lines 30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Moran into Boezeman, this is true because Moran teaches a system which utilizes a timeline for editing video, animation, etc for a final presentation (figure 4 and 11-14; col.21, lines 53-67), thus providing an obvious advantage to the layout which is concurrently monitoring and managing all parallel executed tasks.

As for dependent claim 11, Boezeman teaches an apparatus as claimed in claim 9, wherein said slides include animation events, and further comprising a fourth software component for displaying atoms corresponding to said animation events said atoms being mouse draggable within said containers, and-said fourth software component generating synchronization markers for said animation events within said slides when said atoms are dragged to positions corresponding to selected frames within their respective containers (figure 15, column7, lines 9-19 and column 8, lines 10-39).

As for dependent claim 12, Boezeman teaches an apparatus as claimed in claim 9, wherein said second software component is programmed such that said containers interact with each other whereby dragging one container along said second time line pushes other containers in front of it along said second time line (note the analysis of claim 6).

Art Unit: 2179

As for dependent claim 13, Boezeman teaches a method as claimed in claim 6, wherein said one container pushes other containers in front of it that have equal time properties to said one container (note the analysis of claim 6 and column 7, lines 60-67 and column 8, lines 1-39).

As for dependent claim 14, Boezeman teaches an apparatus as claimed in claim 12, wherein said one container pushes other containers in front of it that have equal time properties to said one container (note the analysis of claim 13).

---

**(Note:)** It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,4, 6-9 and 11-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/  
Examiner  
Art Unit 2179  
May 9, 2008

/Ba Huynh/  
Primary Examiner, Art Unit 2179